

## **REMARKS**

Applicants appreciate the Examiner's review of the present Application and request reconsideration based on the above amendments and following remarks. Claims 1, 5-18, and 20 are pending in the present Application.

### **Rejections under 35 U.S.C. 103**

The Examiner has rejected Claims 12-18 and 20 under 35 U.S.C. §103 as being unpatentable over McNamara (U.S. Patent No. 5,818,725) in combination with Yee (U.S. Patent No. 6,300,881) or Shuey (U.S. Patent No. 5,874,903). Applicants traverse this rejection.

Applicants have amended Claim 12 to include the feature of "said algorithms for reducing a real-time aggregate power load across plurality of said energy consumers". Claim 12 lines 13-14. This feature is not disclosed by any of the cited references.

The present invention, as recited in the Claim 12 allows load management initiatives performed on a on a real-time aggregate basis on plurality of end users. Benefits of this include the ability to react in real time to maximize real-time pricing parameters with the aggregate "portfolio" usage patterns. Further, this allows the service provider to initiate load management commands that benefit the portfolio as a whole rather than distinct individual users that may not be able to receive maximum portfolio benefits. For example, load balancing can be achieved across multiple facilities without causing any one facility to have deactivated power consuming equipment for an extended period of time. This feature is disclosed in the specification inter alia at Page 4 lines 5-12, Page 4 line 17 to Page 5 line 5, and Page 10 line 21 to Page 11 (bottom). Neither McNamara or any of the other references disclose or make obvious this feature.

The Examiner has rejected Claims 1, 5-8 and 9-11 under 35 U.S.C. §103(A) as being unpatentable over Davis (U.S. Patent No. 5,576,700) in combination with McNamara (U.S. Patent No. 5,818,725) in view of Yee (U.S. Patent No. 6,300,881) or Shuey (U.S. Patent No. 5,874,903). Applicants traverse this rejection.

Applicants have amended independent Claims 1 and 9 to include the subject matter recited in amended Claim 12, in that the system or method for monitoring and controlling power usage among a plurality of facilities, is for reducing a real-time aggregate power load across the plurality of facilities. Claim 1 and 9, lines 2-3. As previously described in reference to Claim 12, none of the cited references disclose or make obvious this feature.

Accordingly, Applicants assert that independent Claims 1, 9 and 12 and claims dependent upon them are allowable.



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### Conclusion

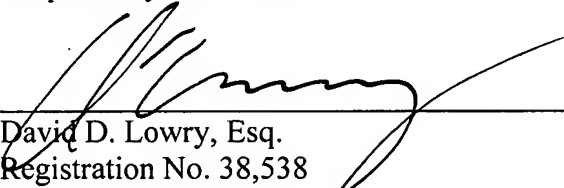
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. The Examiner is invited and encouraged to telephone the undersigned at the number below with any questions or concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefor.

Date:

4/13/06

Respectfully submitted,



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